

Administrative Order



Administrative Order No.: 2-7

Title: Emergency Code Enforcement Remediation and Mitigation Fund

Ordered: 7/25/2000

Effective: 8/4/2000

AUTHORITY:

Section 4.02 of the Miami-Dade County Home Rule Amendment and Charter, Chapter 8CC of the Code of Miami-Dade County, and Resolution No. R-450-99.

POLICY:

It shall be the policy of Miami-Dade County to maintain a physical environment within the County that is free from conditions which represent an imminent threat or imminent danger to the public health, safety or welfare of the residents and visitors to the County. Toward that end, all designated County employees shall engage in the enforcement of applicable laws, ordinances and regulations related to achieving that goal. Further, it is recognized that certain conditions may occur or exist from time to time which represent a significant danger to the community, or may represent an imminent threat to the health, safety or welfare of the general public for which the available enforcement mechanisms are inadequate to insure timely remediation or abatement. It shall be the policy of Miami-Dade County to initiate actions to prevent or abate said dangerous conditions if the responsible person(s) fail to prevent or rectify the condition(s), and to recover all costs of investigation, restoration, abatement, or prevention expended by the County.

EMERGENCY CODE ENFORCEMENT REMEDIATION AND MITIGATION FUND:

There is hereby established a separate County fund to accomplish the purposes set forth herein which shall be named the Emergency Code Enforcement Remediation and Mitigation Fund. A two percent surcharge shall be applied to the following penalties, liens, and costs due to the County under the code enforcement process established by Chapter 8CC of the Code of Miami-Dade County, Florida, and shall be deposited in this fund:

1. Continuing penalties set forth in 8CC.
2. Liens filed pursuant to the provisions of 8CC.
3. Costs incurred by the County resulting from the collection and/or foreclosure of liens pursuant to the provisions of 8CC.

Sums donated to Miami-Dade County or grants received by Miami-Dade County for the purposes of remediating or rectifying emergency conditions resulting from code violations shall be deposited in this fund.

This fund shall only be used to pay for the following:

1. Abating conditions, which violate the Code of Miami-Dade County and are deemed to constitute an imminent threat to the public health, safety or welfare.
2. Mitigating damage resulting from conditions that violate the Code of Miami-Dade County, when failure to correct such damage is an imminent threat to the public health, safety or welfare.

FUND CAP AND FUND TRANSFER:

The Finance Department shall be responsible for monitoring and performing the accounting necessary to manage the fund. The above listed sums shall be deposited into the fund and a Fund Cap balance of \$150,000 shall be established. Once the Fund Cap balance of \$150,000 is reached, deposits from those sources shall be transferred to the Code Enforcement Technology Trust Fund.

DEPARTMENT DEPOSITS TO THE FUND AND ELIGIBILITY TO SEEK AUTHORIZATION OF EXPENDITURES:

Deposits into the fund from the revenue sources set forth herein shall commence 30 days from the effective date of this Administrative Order. Code enforcement departments shall seek expenditures of monies from the fund to rectify emergency or dangerous conditions within their area of responsibility. Monies collected from responsible parties as a result of enforcement actions to recover the County's costs for rectifying, abating or preventing conditions deemed eligible herein, shall be deposited into the fund less the costs expended by the code enforcement department in the cost recovery actions.

ELIGIBILITY DETERMINATIONS, APPLICATION FOR AUTHORIZATION OF EXPENDITURES:

Conditions, facilities, structures or properties existing, maintained or operating in such fashion that may pose a hazard or imminent danger to the public shall be evaluated by the code enforcement department(s) having jurisdiction over the code violations creating the hazard or imminent danger. The appropriate departments shall take all actions reasonably necessary to notify the responsible parties and owners to remove, abate or correct the conditions or violations which are the source of the hazard on an emergency basis. In the event that timely corrective measures are not implemented by the responsible parties or owners, the department director(s) shall certify, in writing, that a condition exists which poses a threat to the health, safety or welfare of the public. The department director(s) shall submit this certification along with documentation that describes the condition in detail and a

written request to authorize expenditure of monies from the fund to correct the condition to the County Manager. Copies of the department certification and expenditure authorization by the County Manager or his designee shall be submitted to the Director of the Finance Department for fund disbursement.

USE OF VENDORS OR APPROVED CONTRACTORS TO PERFORM REMEDIAL WORK OR CORRECTIVE ACTIONS:

Upon authorization of expenditures from the fund, the department(s) certifying the emergency condition shall set forth a scope of work to abate the emergency conditions, perform remedial work or implement corrective action and select a vendor or contractor which has been authorized by the County to perform the necessary work in accordance with standard County procurement procedures. No vendor, contractor, or agent shall perform work or provide professional services for any work under this Administrative Order unless they have been approved to perform said work or provide professional services to Miami-Dade County and are an organization or individual listed on the Procurement Management Department Approved Vendor List.

RECOVERY OF COSTS FOR CORRECTIVE ACTIONS, REMEDIATION, OR ABATEMENT OF EMERGENCY CONDITIONS:

Cost recovery actions for authorized expenditures from the Emergency Code Enforcement Remediation and Mitigation Fund shall be initiated by the department(s) certifying the emergency condition and administering the abatement or remediation. In the event that expenditures from the fund are not recovered from the responsible party by administrative notice or demand for payment, the cost recovery action shall be forwarded to the Office of the County Attorney for appropriate legal action to recover the amounts expended from the fund and any investigative or administrative costs expended by Miami-Dade County. Recovered monies shall reimburse the fund first and remaining recovered monies shall be returned to the department(s) to offset investigative and administrative costs.

This Administrative Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

M.R. Stierheim
County Manager